

**ZONING COMMITTEE  
MINUTES  
WEDNESDAY, APRIL 1, 2009**

The regularly scheduled meeting of the Zoning Committee was held on **Wednesday, April 1, 2009** in Committee Room 2, at 11:33 a.m.

The following members were present:

**The Honorable Ivory Lee Young, Jr., Chair**  
**The Honorable Natalyn Archibong, Vice Chair**  
**The Honorable Carla Smith**  
**The Honorable Anne Fauver**  
**The Honorable C. T. Martin**

The following members were absent:

**The Honorable Howard Shook**  
**The Honorable Mary Norwood**

Others present at the meeting were: Zoning Administrator Charletta Wilson-Jacks, Department of Planning and Community Development; City Attorney Lem Ward, Law Department; and members of the Public and Council staff.

**A. ADOPTION OF AGENDA - ADOPTED AS AMENDED BY ADDING TWO  
PIECES OF LEGISLATION**

**B. APPROVAL OF MINUTES - APPROVED**

## CONSENT AGENDA

### C. ORDINANCES FOR FIRST READING

09-O-0507 ( 1) An Ordinance by Zoning Committee to rezone from the R2-B  
**Z-09-08** (Single Family Residential) District to the PD-H (Planned  
 Development-Housing), property located at **4249 Dykes Drive and  
 417 Hillside Drive, NW**, fronting approximately 265 feet on the  
 east side of Dykes Drive beginning 240 feet from the northeast  
 corner of Hillside Drive.

Depth:	Approximately 500 feet
Area:	Approximately 3.9 Acres
Land Lot:	138, 17 <sup>th</sup> District, Fulton County, Georgia
Owner:	Phillip Fender
Applicant:	Phillip Fender

NPU-A

## Council District 8

**FAVORABLE - REFERRED TO ZRB AND ZONING COMMITTEE**

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## CONSENT AGENDA

**C. ORDINANCES FOR FIRST READING (CONT'D)**

09-O-0508 ( 2)  
U-09-07

An Ordinance by Zoning Committee granting a Special Use Permit pursuant to Section 16-32.007(1) (f) for an Assisted Living Facility, property located at **1318, 1322, 1326 Sylvan Road and 1309 Hartford Avenue and 883, 893, 895, 897-901, 905, 907 and 909 Dill Avenue, SW**, fronting approximately 294 feet on the east side of Sylvan Road, approximately 290 feet on the south side of Erin Avenue, approximately 310 feet on the west side of Hartford Avenue and approximately 145 feet on the west side of Hartford Avenue.

Depth:	Varies		
Area:	Approximately 2.20 Acres		
Land Lot:	105, 14 <sup>th</sup> District, Fulton County, Georgia		
Owner:	Emmanuel	Community	Development
	Corporation		
Applicant:	Emmanuel	Community	Development
	Corporation		

**NPU-X** **Council District 12**

**FAVORABLE - REFERRED TO ZRB AND ZONING COMMITTEE**

## REGULAR AGENDA

#### D. COMMUNICATION

09-C-0496 ( 1) A Communication by Councilmembers Ivory Lee Young, Jr., District 3; Cleta Winslow, District 4 and Ceasar C. Mitchell, Post 1 At-Large, appointing Ms. Erica C. Pines to serve as a member of the Zoning Review Board for a term of two (2) years, scheduled to being on the date of Council confirmation.

FORWARDED WITH NO RECOMMENDATION TO COMMITTEE  
ON COUNCIL

### E. ZRB SUMMARY REPORT

### F. PAPERS HELD IN COMMITTEE

- HELD**

- HELD

- HELD

- Depth: Varies  
Area: Approximately 8.719 Acres  
Land Lot: 55, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: Jack and Harvey Taffel  
Applicant: Chaz E. Waters/Skyline Partners, LLC.  
**NPU-Y Council District 1**

HELD

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F. PAPERS HELD IN COMMITTEE (CONT'D)

06-O-1927 ( 5)     An Ordinance by Councilmembers Howard Shook, H. Lamar Willis, Jim Maddox and Ceasar C. Mitchell **as substituted by Zoning Committee** to amend the 1982 Zoning Ordinance of the City of Atlanta, As Amended, so as to create a New Chapter to be entitled, 8B, Fulton County Townhouse Residential; to establish design guidelines for said District; to enact, by reference and incorporation, a Map establishing the boundaries of said District for the Cascade Glenn; to amend the City of Atlanta Zoning Maps; to modify the zoning process for annexations; and for other purposes. **(Forwarded with no recommendation by Zoning Committee 9/13/06) (Referred back by Council 12/04/06) (Held 12/13/06 for further review)**

HELD

06-O-1445 ( 6)  
**Z-06-74**     An Ordinance by Zoning Committee to rezone from the R-G-3 (Residential General-Sector 3) District to the PD-MU (Planned Development-Mixed Use) District, property located at **3700 Martin Luther King, Jr. Drive, SW**, fronting approximately 474.25 feet on the south side of Martin Luther King, Jr. Drive beginning approximately 183 feet from the southwest corner of Adamsville Drive. **(Held 5/2/07 at the request of Councilmember of the District)**

Depth:        Varies

Area:         Approximately 27 Acres

Land Lot:    15, 14<sup>th</sup> District, Fulton County, Georgia

Owner:       Atlanta Neighborhood Development Partnership

Applicant:   Marvin Greer

**NPU-H**

**Council District 10**

HELD

07-O-2308 ( 7)  
**Z-06-113**     An Ordinance by Zoning Committee to rezone from the SPI-6 (Poncey Highland Special Public Interest) District to the C-1 (Community Business) District, property located at **863 Ponce de Leon (rear), NE**, fronting approximately 63 feet on the east side of Barnett Street, beginning 150 feet from the westerly corner of Barnett Street and Ponce de Leon Avenue. **(Filed by ZRB and Zoning Committee 5/20/07) (Referred by back by Full Council 6/4/07) (Held 6/13/07)**

Depth:        Approximately 74 Feet

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F. PAPERS HELD IN COMMITTEE (CONT'D)

Area: Approximately 0.861 Acre  
Land Lot: 17, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: Robert T. Budd  
Applicant: Kevin A. Ross  
**NPU-N** **Council District 2**

**HELD**

06-O-1888 ( 8) An Ordinance by Community Development/Human  
**CDP-06-65** Resources Committee to amend the Land Use Element of the City of Atlanta's 2004-2019 Comprehensive Development Plan (CDP) so as to re-designate property located at **3700 Martin Luther King, Jr. Drive, SW**, from the "Medium Density Residential" Land Use Designation to the "Mixed-Use" Land Use Designation; and for other purposes. **(Public Hearing held 9/11/06) (Filed by CD/HR Committee 11/27/07)**  
**NPU-H** **Council District 1**

**HELD**

07-O-2594 ( 9) An Ordinance by Councilmember Kwanza Hall requesting that Chapter 28A.010 of the Code Ordinances, the Sign Ordinance, Subsection (12) Special Public Interest District 1 (Central Core) District of the City of Atlanta Zoning Ordinance be waived to allow for the construction of two (2) Signs at 100 Auburn Avenue, NE; and for other purposes. **(Held 12/12/07)**

**HELD**

06-O-2697 (10) An Ordinance by Councilmember Carla Smith to amend  
**Z-06-144** Chapter 28 of Part 16 of the Atlanta City Land Development Code to provide for density increases in exchange for affordable workforce housing; to define certain terms; to provide limitations and requirements; and for other purposes. **(Held 1/30/08)**

**HELD**

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F. PAPERS HELD IN COMMITTEE (CONT'D)

08-O-1009 (11) An Ordinance by Community Development/Human  
**CDP-08-22** Resources Committee to amend the Land Use Element of the City of Atlanta 2008 Atlanta Strategic Action Plan (ASAP) so as to re-designate property that is located at **1040 Grant Street**, from "Industrial" Land Use Designation to "Mixed Use" Land Use Designation; and for other purposes. **(Public Hearings held 6/9/08 and 9/8/08) (Favorable by CD/HR Committee 9/9/08) (Favorable by Zoning Committee 9/10/08) (Referred back by Full Council 9/15/08) (Held 10/1/08)**  
**NPU-W** **Council District 1**

**HELD**

08-O-0838 (12) An Ordinance by Councilmember Ivory L. Young,  
**Z-08-20** Jr. **as amended by Zoning Committee** to rezone from the I-1 (Light Industrial) District to the MRC-3-C (Mixed Residential-Commercial-Conditional) District, property located at **1040 Grant Street, SE**, fronting approximately 194.5 feet on the east side of Grant Street at the intersection of Grant Circle. **(Favorable by Zoning Committee 9/10/08) (Referred back by Full Council 9/15/08) (Held 10/1/08)**  
Depth: Approximately 360 Feet  
Area: 1.57 Acres  
Land Lot: 42, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: David S. Stith (for Grant Street Partners)  
Applicant: Caleb Racioct (for Grant Street Partners)  
**NPU-W** **Council District 1**

**HELD**

08-O-1767 (13) An **Amended** Ordinance by Zoning Committee to rezone  
**Z-08-63** from the I-2 (Heavy Industrial) District to the PD-MU (Planned Development-Mixed Use) District, property located at **1260 Foster Street, NW**, fronting approximately 558.58 feet on the northwesterly side of Foster Street at the northwest right-of-way of the Norfolk Southern Railroad. **(Held 2/11/09)**  
Depth: Varies  
Area: Approximately 11.74 Acres  
Land Lot: 150 and 189, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: Robert S. Haywood  
Applicant: John A. Bell  
**NPU-D** **Council District 9**  
**FAVORABLE AS AMENDED**

**SUMMARY REPORT**  
April 1, 2009

LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM.
<b><u>FAVORABLE AS AMENDED</u></b>						
08-O-1138	Z-08-27	883 McDonough Boulevard, S.E. Z-1	PD-H to C-1-C	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Smith made a motion to approve as amended. The vote was unanimous.						
09-O-0092	Z-08-84	772 Bender Street, SW V-4	R-4B to RG-3-C	Approval Conditional	Approval	Approval Conditional
Councilmember Smith made a motion to approve as amended. The vote was unanimous.						
09-O-0089	U-08-29	294-312 Peyton Road, S.W. I-10	Site Plan Amendment	Approval Conditional	Denial	Approval Conditional
Councilmember Smith made a motion to approve as amended. The vote was unanimous.						
09-O-0090	U-08-30	311 and 329 Peyton Road, S.W. I-10	Special Use Permit for a Church	Approval Conditional	Denial	Approval Conditional
Councilmember Smith made a motion to approve as amended. The vote was unanimous.						
09-O-0206	U-09-01	2405 Abner Place, N.W. G-9	Special Use Permit for a Community Center	Approval Conditional	Approval	Approval Conditional
Councilmember Smith made a motion to approve as amended. The vote was unanimous.						
09-O-0208	U-09-03	4520 Patton Drive, S.W. H-10	Special Use Permit for a Terminal	Approval Conditional	Approval	Approval Conditional
Councilmember Smith made a motion to approve as amended. The vote was unanimous.						

**SUMMARY REPORT**  
April 1, 2009

LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM.
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**FILE**

07-O-1345	Z-07-66	770 Shadowridge Drive, S.E. W-5	R-4 to PD-H	File	Deferral	File
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Councilmember Smith made a motion to file. The vote was unanimous.

07-O-1909	Z-07-98	Bike Lane Regulations for Grant Park	Text Amendment	File	Approval	File
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Councilmember Smith made a motion to file. The vote was unanimous.

08-O-1141	Z-08-37	151 Dollar Mill Road, S.W. H-11	R-4 to PD-H	File	No Action Taken	File
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Councilmember Smith made a motion to file. The vote was unanimous.

**ADVERSE**

08-O-2126	Z-08-75	1185 Sheridan Road, N.E. F-6	R-4 to PD-H	Denial	Denial	Denial
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Councilmember Fauver made a motion to adverse. The vote was unanimous.



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**G. ITEMS NOT ON THE AGENDA**

08-O-1012 ( 1)  
**CDP-08-25** An Ordinance by Community Development/Human Resources Committee to amend the Land Use Element of the City of Atlanta 2008 Atlanta Strategic Action Plan (ASAP) so as to re-designate property that is located at **883 McDonough Boulevard, SE**, from "Single Family Residential" Land Use Designation to the "Low Density Commercial" Land Use Designation; and for other purposes. **(Held 5/27/08) (Public Hearings held 6/9/08 and 9/8/08) (Favorable by CD/HR Committee 3/31/09)**

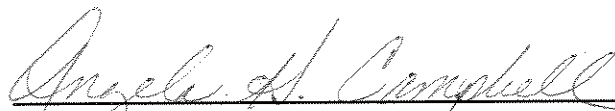
**FAVORABLE**

09-O-0301 ( 2)  
**CDP-09-12** An Ordinance by Community Development/Human Resources Committee to amend the Land Use Element of the 2008 Atlanta Strategic Action Plan (ASAP) so as to re-designate property that is located at **772 Bender Street**, from the "Single Family Residential" Land Use Designation to the "Medium Density Residential" Land Use Designation (Z-08-84); and for other purposes. **(CDP Public Hearing held 3/9/09) (Held 3/10/09) (Favorable by CD/HR Committee 3/31/09)**  
**NPU-V Council District 4**

**FAVORABLE**

**There being no further business to come before the Zoning Committee the meeting was adjourned at 11:50 a.m.**

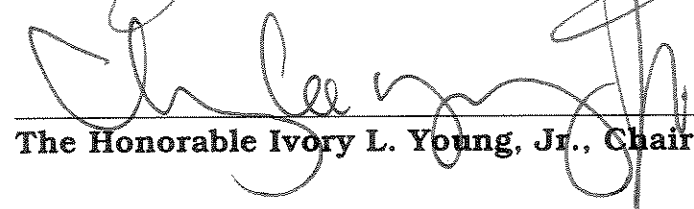
**Respectfully submitted:**



**Angela H. Campbell, Legislative Secretary**



**Alfred Berry, Jr., Research & Policy Analyst**



**The Honorable Ivory L. Young, Jr., Chair**